The Central Bureau of Investigation (CBI) derives its police powers from the Delhi Special Police Establishment (DSPE) Act, 1946 to investigate offences or classes of offences pertaining to corruption, economic offences and special crimes involving public servants and others and is governed by the IPC, Cr. P.C. Indian Evidence Act, and other laws of the country while discharging its duty. It is accountable to the judiciary and does not function in a selective manner or discriminate between various classes of people while enforcing the rule of law. The comprehensive legislation and statutory provisions under various laws of the country such as Indian Penal Code, Criminal Procedure Code, FERA, Banking Regulations Act and the Prevention of Corruption Act, 1988 have sufficient and stringent provisions to punish those who arc found guilty. With a view to eradicate corruption from public life, the Prevention of Corruption Act was originally enacted in 1947. This Act has further been strengthened by the re-enactment of Prevention of Corruption Act, 1988, which is more comprehensive. It is, therefore, not correct to say that the anti-corruption laws in the country are outdated. The Act is applicable equally to all the public functionaries irrespective of their position, which is evidence from the various important public functionaries recently charge-sheeted by the CBI in the Courts of Law. A large number of cases being referred to the CBI for investigation by the State Governments High Courts and the Supreme Court of India is clearly demonstrative of the faith in the quality of investigation by the CBI.

Pemussioa to CBI for SLP in Hawala Caw

1806. SHRI NILOTPAL BASU: Will the PRIME MINISTER be pleased to state:

(a) whether it is fact that the CBI has requested Govertiment for granting permission to file Special Leave Petition in the Supreme Court, against the order of the High Court in Hawala case;

(b) if so. Government's response and if it is positive, when the petition is going to be filed; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.R. BALASUBRAMONIYAN): (a) Yes, Sir.

(b) and (c) SLP has been filed on 18.6.1997.

Sanction for prosecution by CBI

1807. SHRI AMAR SINGH: Will the PRIME MINISTER be pleased to state:

(a) what are the names of the persons against whom sanction for prosecution sought by the CBI is still pending and since when;

(b) what are the reasons for not granting permission in each case; and

(c) by when the sanction is proposed to be accorded?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.R. BALASUBRAMONIYAN): (a) to (c) As per information funrished by the CBI, as on 30.6.97, a total of 149 cases of sanction for prosecution in respect of various persons were pending with the concerned Ministries/Departments of the Government of India and the State Governments etc. from the respective dates of reference made by the CBI.

Sanction of the competent authroity under Section 197 of the Criminal Procedure Code, 1973 and Section 19 of the Prevention of Corruption Act, 1988 is pre-requisite to prosecute a public servant in a Court of Law. The responsibility for maintaining purity and integrity in his organisation vesU with the Secretary/ Head of the Department of a Ministry/